

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: December 16, 2009
POSITION: Neutral

BILL NUMBER: SB 525
AUTHOR: A. Padilla

BILL SUMMARY: Correctional Facilities: Wireless Communication Devices

This bill would provide that any person who possesses with the intent to deliver, or delivers to an inmate or ward in the custody of the California Department of Corrections and Rehabilitation (CDCR), any wireless communication device is guilty of a misdemeanor, punishable by a fine not to exceed \$5,000 for each device. This bill would also allow for the confiscation of unauthorized wireless communication devices from prison visitors and require posted notices of search and confiscation provisions.

FISCAL SUMMARY

The CDCR has indicated that all costs associated with this bill could be absorbed within existing resources.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

COMMENTS

The Department of Finance has no concerns with this bill because it would act as a deterrent to the smuggling of wireless communication devices into CDCR facilities without adding additional costs to the state. Wireless devices in the hands of inmates are unmonitored and inmates could use these devices to plan escapes, traffic drugs, coordinate gang activities, and commit various other serious crimes.

Current law establishes various offenses related to the unauthorized delivery of specified items to persons confined in local and state correctional facilities.

Current law only allows for the loss of up to 90 days work-time credit for inmates who are caught with an unauthorized wireless communication device and no penalty for those found smuggling wireless communication devices into CDCR facilities. This bill would allow the CDCR to penalize those smuggling wireless devices into CDCR facilities by imposing a fine not to exceed \$5,000 for each device, and should reduce the number of unauthorized wireless devices within CDCR facilities.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	Code
5225/Corr & Rehab	SO	No	----- No/Minor Fiscal Impact -----						0001

Analyst/Principal (0233) K. Gmeinder	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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